

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36419 of 2015

Arising Out of PS.Case No. -74 Year- 2015 Thana -BODHGAYA District- GAYA

=====

1. Shankar Yadav @ Sri Yadav S/o Late Sohan Yadav @ Sausa Yadav R/o Village- Harli Khurd, P.S.- Bodh Gaya, Dist- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

with

Criminal Miscellaneous No.36949 of 2015

Arising Out of PS.Case No. -74 Year- 2015 Thana -BODHGAYA District- GAYA

=====

1. Chandra Yadav Son of Nanhu yadav resident of Village- Harli Khurd, Police Station -Bodh Gaya, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

(In Cr.Misc. No.36419 of 2015)

For the Petitioner/s : Mr. Sudha Chandra

For the Opposite Party/s : Mr. Harendra Prasad(App)

(In Cr.Misc. No.36949 of 2015)

For the Petitioner/s : Mr. Kunwar Narayan Jamuar

For the Opposite Party/s : Mr. Amitesh Kumar(App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 30-11-2015 Above noted both applications have arisen out of one occurrence i.e. Bodh Gaya P.S. Case No. 74 of 2015 registered for the offences punishable under Sections 147, 148, 149, 324, 326, 307, 506 of the Indian Penal Code and Section 27 of the Arms Act as such they have been heard together and are being disposed

of by this common order.

Allegedly, ten accused persons including the petitioners Shankar Yadav and Chandra Yadav made indiscriminate firing, the petitioner Shankar Yadav fired which hit on the arm of the informant, Arvind Yadav fired which hit near the eye of Meena Devi, Anandi Yadav came after hearing the sound of firing, Vijay Yadav fired which hit on the neck, armpit and forehead of Anandi Yadav, Lakhan Yadav fired which hit Kuldeep Yadav, Arun Yadav and when Raja Gopal and Vicky came then Ramchandra Yadav fired which hit Raja Gopal, Prasad Yadav. The petitioner Chandra Yadav and Sintu Kumar also opened fire causing injury to animals and other females of the village.

Submission is of false implication and that no offence under Section 307 IPC is made out, there is no allegation that the petitioner Shankar Yadav caused injury on vital part or repeated the firing, against petitioner Chandra Yadav there is no allegation for causing injury to any one. There is general and vague allegation in this case. Similarly situated co-accused Ramchandra Yadav has been allowed bail by another co-ordinate Bench of this Court vide order dated 04.09.2015 passed in Cr. Misc. No. 21465 of 2015. Against the petitioners chargesheet has already been submitted and there is no chance of tampering with

prosecution evidence as such the petitioners deserve sympathetic consideration to which the learned APP is not in a position to distinguish the case of the petitioners.

In the facts and circumstances stated above, the petitioners named above of both the cases are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Bodh Gaya P.S. Case No. 74 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

avin/-

(Jitendra Mohan Sharma, J)

U		T	
---	--	---	--